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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/659,938	09/12/2000	Tianmei Ouyang	LIFE-007	6167
75	590 12/17/2001			
Bret Field			EXAMINER	
Bozicevic Field & Francis LLP Suite 200			LEARY, LOUISE N	
200 Middlefield Road Menlo Park, CA 94025			ART UNIT	PAPER NUMBER
,			1623 DATE MAILED: 12/17/2001	3

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Examiner   Louise N. Leary   1623							
## Disposition of Claim(s) 1-22 (slare pending in the application.  ### Application of Claim(s) 1-22 (slare pending in the application.  ### Application of Claim(s) 2-9 (slare) (sla	•••	Application No.	Applicant(s)				
Louise N. Leary   1023	Office Action Comments	09/659,938	OUYANG ET AL.				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Repty  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Eadersides for them rap by a evaluation used the provisions of 3 CFR 1.196(a). In a overt, however, may a repty be timely filled  state SIX (b) ACCITYS from the maining date of the communication.  Eadersides from the growing of the communication of 3 CFR 1.196(a). In a overt, however, may a repty be timely filled  state SIX (b) ACCITYS from the maining date of this communication.  Eadersides for each growing the set or extended period of the communication of the com	Oπice Action Summary	Examiner	Art Unit				
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE § MONTH(S) FROM THE MALING DATE OF THIS COMMUNICATION.  also SIX (8) MONTHS from the making date of this communication. If the period corresponding date of this communication. If the period corresponding date of this communication is the period from the making date of this communication. If the period corresponding date of this communication is the period for regly is specified above, the making which will provide will apply which the statulory retiremum of thinky (20) days who be considered timely.  If NO period for regly is specified above, the making which is statulory retiremum of thinky (20) days who be considered timely.  If NO period for regly is specified above, the making which will apply which the statulory retiremum of thinky (20) days who be considered timely.  If NO period for regly is specified above, the making which is statulory retiremum of thinky (20) days who be considered timely.  If NO period for regly is specified above, the making which is statulory retiremum of thinky (20) days who be considered timely.  Any regly received by the Extention of the making date of this communication, went if limiting the region of the communication.  Any period of the specification is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-22 is fare pending in the application.  4) Claim(s) 1-22 is fare allowed.  6) Claim(s) 1-22 is fare allowed.  6) Claim(s) 2-2 is fare allowed.  6) Claim(s) 2-2 is fare allowed.  7) Claim(s) 2-2 is fare elected.  7) Claim(s) 2-2 is fare elected.  8) Claim(s) 3-2 is fare elected.  9) The specification is objected to by the Examiner.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is fare: a) accepted or b  disapproved by the Examiner.  11 gray or a specified provided provided provided							
THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 3 CPR 1.136(a). In no event, however, may a reply be limely filed after SX (6) MONTIST from the mailing date of this communication.  If the period to may specified above is lost than lifting (30) days, a reply within the studiosy minimum of they (20) days will be considered finely.  If the period on they specified above is lost than lifting (30) days, a reply within the studiosy minimum of they (30) days will be considered finely.  If they provided the or specified they are the studies of the communication, even if they (30) days will be considered finely.  Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (38 U.S.C. § 133).  Any reply received by the Office est than three monitors after the mailing date of this communication, even if timely (filed, may reduce any example date item asylaptime). See 37 CFR 1.704(b).  Status  1) Responsive to communication (s) filed on	······································						
1) Responsive to communication(s) filed on	A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
2a)  This action is FINAL. 2b)  This action is non-final.  3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s) 1-27 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration.  5)  Claim(s) 10-27 is/are allowed.  6)  Claim(s) 1 and 2 is/are rejected.  7)  Claim(s) 3-9 is/are objected to.  8)  Claim(s) 3-9 is/are objected to.  8)  Claim(s) 3-9 is/are objected to.  8)  Claim(s) 3-9 is/are objected to by the Examiner.  10)  The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Application Papers  9)  The specification is objected to by the Examiner.  10)  The proposed drawing correction filed on is/are: a) approved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12)  The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)  All b)  Some * c) None of:  1.  Certified copies of the priority documents have been received in Application No.  3.  Copies of the certified copies of the priority documents have been received in Application No.  3.  Copies of the certified copies of the priority documents have been received in Application No.  3.  Copies of the certified copies of the priority documents have been received in Application No.  3.  Copies of the certified copies of the priority documents have been received in Application No.  3.  Copies of the certified copies of the priority documents have been received in Application No.  4.  Copies of the certified copies of the priority documents have been received in Application No.  4.  Copies of the certified copies of the priority documents have been received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.							
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5) ☐ Claim(s) 10-27 is/are allowed. 6) ☐ Claim(s) 1 and 2 is/are rejected. 7) ☐ Claim(s) 3-9 is/are objected to. 8) ☐ Claim(s) 3-9 is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or election requirement.  Application Papers 9) ☐ The specification is objected to by the Examiner. 10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) ☐ The proposed drawing correction filed on is: a) ☐ approved b) ☐ disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action. 12) ☐ The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) ☐ The translation of the foreign language provisional application has been received. 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(s)  1) ☐ Notice of Informal Patent Application (PTO-152)							
6   Claim(s) 1 and 2 is/are rejected.  7   Claim(s) 3-9 is/are objected to. 8   Claim(s) 3-9 is/are objected to. 8   Claim(s) 3-9 is/are objected to restriction and/or election requirement.  Application Papers  9   The specification is objected to by the Examiner.  10   The drawing(s) filed on is/are: a   accepted or b   objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11   The proposed drawing correction filed on is: a   approved b   disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12   The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13   Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)   All   b   Some * c   None of:  1.   Certified copies of the priority documents have been received.  2.   Certified copies of the priority documents have been received in Application No  3.   Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14)   Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a)   The translation of the foreign language provisional application has been received.  15)   Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(s)  1)   Notice of References Cited (PTO-892)  2)   Notice of Informal Patent Application (PTO-152)	4a) Of the above claim(s) is/are withdrawn from consideration.						
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8  Claim(s) are subject to restriction and/or election requirement.  Application Papers  9	6)⊠ Claim(s) <u>1 and 2</u> is/are rejected.						
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Application/Control Number: 09/659,938

Art Unit: 1623

- 1. Claims 1-27 are pending in this application.
- 2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Banauch et al (US 3,964,974).

Banauch et al disclose a composition of matter comprising a substrate and a tetrazolium salt. Also, Banauch et al disclose paper and cellulose as widely used substrate. Banauch et al further disclose the substrates are impregnated solutions containing glucose dehydrogenase, tetrazolium and a buffer system. See column 8, lines 14-61. Thus, Banauch et al disclose or suggest the composition of matter claimed except for describing the substrate as a bibulous substrate.

However, it is noted that persons having ordinary skill in this art routinely used paper or cellulose as a bibulous substrate in compositions of matter comprising water soluble tetrazolium. Additionally, Banauch et al disclose a composition of matter comprising a substrate and a tetrazolium salt. Note column 8, lines 14-61.

Hence, Banauch et al disclose or suggest the composition claimed except for describing the substrate in the composition of matter as a bibulous substrate. Yet, the

Application/Control Number: 09/659,938

Art Unit: 1623

use of paper or cellulose as a bibulous substrate was well known in this art at the time this invention was made and Banauch et al disclosed the use of a composition of matter comprising a paper or cellulose substrate and a tetrazolium salt. Therefore, the Banauch et al disclosure renders obvious the composition of matter claimed.

It would have been obvious to one having ordinary skill in this art at the time this invention was made to provide a composition of matter as claimed because Banauch et al disclose or suggest the composition claimed except for describing the substrate in the composition of matter as a bibulous substrate, but, Banauch et al disclosed the use of a composition of matter comprising a paper or cellulose substrate and a tetrazolium salt and the use of paper or cellulose as a bibulous substrate was well known in this art at the time this invention was made which renders obvious the composition of matter claimed.

- 3. Claims 3-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
- 4. Claims 10-27 are allowable over the prior art of record.
- 5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Louise N. Leary whose telephone number is (703) 308-3533. The examiner can normally be reached on Monday to Friday from 9:30 to 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Geist, can be reached on (703) 308-1701. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-4556.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1235.

LOUISE N. LESMINER

December 16, 2001